

RICHARD J. IDELL, ESQ. (SBN 069033)
ORY SANDEL, ESQ. (SBN 233204)
ELIZABETH J. REST, ESQ. (SBN 244756)
IDELL & SEITEL LLP
465 California Street, Suite 300
San Francisco, CA 94104
Telephone: (415) 986-2400
Facsimile: (415) 392-9259

Attorneys for Herbert Gottlieb, an individual and
SWIdent, LLC, a California Limited Liability Company
(erroneously sued as SWIdent, Inc., a limited liability corporation)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NACIO SYSTEMS, INC., a Nevada Corporation,

Plaintiff,

v.

HERBERT GOTTLIEB and SWIdent, INC., a
California LLC,

Defendants.

CASE NO. C 07 3481 PJH

REQUEST FOR JUDICIAL NOTICE

FILED CONCURRENTLY:
NOTICE OF MOTION AND MOTION;
DECLARATION OF HERBERT GOTTLIEB;
DECLARATION OF RICHARD J. IDELL;
[PROPOSED] ORDER

Date: October 24, 2007

Time: 9:00 a.m.

Place: Courtroom 3, 17th Floor

Complaint Filed: July 3, 2007

Honorable Phyllis J. Hamilton Presiding

Defendants HERBERT GOTTLIEB ("GOTTLIEB") and SWIDENT, LLC, a California limited liability company (erroneously sued as a SWIdent, Inc., a limited liability corporation) ("SWIDENT") (hereinafter collectively referred to as "Defendants"), by and through its attorneys, hereby requests the Court to take judicial notice pursuant to Federal Rules of Evidence, Rule 201 of the following:

//

//

//

1 1. The Complaint filed by NACIO SYSTEMS, INC. on or about July 3, 2007, captioned
2 NACIO SYSTEMS, INC. v. HERBERT GOTTLIEB and SWIdent, INC., a California LLC, being case
3 number C 07 3481 PJH, in the United States District Court for the Northern District of California. A
4 true and correct copy of the Complaint is attached as Exhibit "A" to the Declaration of Richard J. Idell
5 filed herewith.

6
7
8 Dated: September 18, 2007

By:

IDELL & SEITEL LLP

Richard J. Idell

Ory Sandel

Elizabeth J. Rest

Attorneys for Herbert Gottlieb, an individual and
SWIdent, LLC, a California Limited Liability
Company (erroneously sued as SWIdent, Inc., a
limited liability corporation)

PROOF OF SERVICE

I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Idell & Seitel, LLP 465 California Street, Suite 300, San Francisco, California 94104.

On September 19, 2007, I served the following document(s):

REQUEST FOR JUDICIAL NOTICE

☒ by **ELECTRONIC MAIL**. As this case is subject to the United States District Court for the Northern District of California ECF program, pursuant to General Rule 45, upon the filing of the above-entitled document(s) an automatically generated e-mail message was generated by the Court's electronic filing system and sent to the address(es) shown below and constitutes service on the receiving party.

Mark John Rice

McNeil Silveira Rice Wiley & West
55 Professional Center Parkway
Suite A
San Rafael, CA 94903
Phone: 415-472-3434
Fax: 415-472-1298
Email: markjrice@aol.com

Andrew H. Schwartz

Frank F. Sommers, IV
Sommers & Schwartz LLP
550 California Street
The Sacramento Tower, Suite 700
San Francisco, CA 94104
Phone: 415-955-0925
Fax: 415-955-0927
Email: ahs@sommersschwartz.com
ffs@sommersschwartz.com

I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and I executed this declaration at San Francisco, California.


Suzanne Slavens